

EXHIBIT “A”

Personally served
P. Cerruto 4/19/2021

Jonathan S. Fabricant, Esq. - #008911992
BATHGATE, WEGENER & WOLF

A Professional Corporation
One Airport Road
Lakewood, NJ 08701
(732) 363-0666
Attorneys for Plaintiff

LEGAL DOCUMENTS

APR 19 2021

KIMBERLY F. GARRISON,

Plaintiff,

v.

BALLY'S PARK PLACE, INC. d/b/a
BALLY'S ATLANTIC CITY and/or
BALLY'S PARK PLACE, LLC and/or
CAESARS ENTERTAINMENT
CORPORATION and/or CAESARS
ENTERTAINMENT OPERATING
COMPANY, INC. and/or ABC
CORPORATION 1-10 and/or JOHN DOES 1-
10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY
DOCKET NO.: OCN-L-957-21

Civil Action

SUMMONS

*From the State of New Jersey To the Defendant(s) named above: **BALLY'S PARK PLACE, INC.**
d/b/a BALLY'S ATLANTIC CITY*

The plaintiff named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee "payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion with it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want to court to hear your defense. \$175.00 FOR CHANCERY DIVISION CASES OR \$175.00 FOR LAW DIVISION CASES

If you do not file and serve a written answer or motion with 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford to pay an attorney, you may call the Legal Services Office in the county where you live. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling a county lawyer referral service. These numbers may be listed in the yellow pages of your phone book. The phone numbers for the county in which this action is pending are:

/s/ Michelle M. Smith

DATED: April 14, 2021

MICHELLE M. SMITH, SUPERIOR COURT CLERK

Name of defendant to be served: BALLYSPARK PLACE, INC. d/b/a BALLY ATLANTIC CITY
Address for service: 1900 Pacific Avenue, Atlantic City, New Jersey

OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 1 of 16 Trans ID: LCV2021940227

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A Professional Corporation
One Airport Road
Lakewood, NJ 08701
(732) 363-0666
Attorneys for Plaintiff

KIMBERLY F. GARRISON,

Plaintiff,

v.

BALLY'S PARK PLACE, INC. d/b/a
BALLY'S ATLANTIC CITY and/or
BALLY'S PARK PLACE, LLC and/or
CAESARS ENTERTAINMENT
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ENTERTAINMENT OPERATING
COMPANY, INC. and/or ABC
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DOES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY
DOCKET NO.: OCN-L-

Civil Action

COMPLAINT, JURY DEMAND, AND
DESIGNATION OF TRIAL COUNSEL

Plaintiff, Kimberly Garrison, residing in City of Danville in the Commonwealth of Virginia, by way of Complaint against the defendants, say:

FIRST COUNT

1. On or about August 24, 2019, the plaintiff, Kimberly F. Garrison was a business invitee of the defendant, Bally's Park Place, Inc. d/b/a Bally's Atlantic City and/or Caesars Entertainment Corporation and/or Caesars Entertainment Operating Company, Inc. and/or Bally's Park Place, LLC and/or ABC Corporation 1-10 and was lawfully on the premises of the defendant, Bally's Park Place, Inc. d/b/a Bally's Atlantic City, and/or Caesars Entertainment Corporation and/or Caesars Entertainment Operating Company, Inc. and/or Bally's Park Place, LLC and/or ABC Corporation 1-10, located at 1900 Boardwalk, Atlantic City, New Jersey.

2. On the aforesaid date and location, and at all times relevant hereto was owned and/or controlled by the defendants, Bally's Park Place, Inc. d/b/a Bally's Atlantic City and/or Caesars Entertainment Corporation and/or Caesars Entertainment Operating Company, Inc. and/or Bally's Park Place, LLC and/or ABC Corporation 1-10, with the design, construction and/or maintenance of said premises being performed by Bally's Park Place, Inc. d/b/a Bally's Atlantic City and/or Caesars Entertainment Corporation and/or Caesars Entertainment Operating Company, Inc. and/or Bally's Park Place, LLC and/or ABC Corporation 1-10 and/or DEF Corporation 1-10 and/or John Does 1-10.

3. At the aforesaid time and place, the plaintiff, Kimberly Garrison, suffered electrical shock as a result of the dangerous and hazardous condition in Room 361 at the Bally's Atlantic City casino/hotel causing her serious injuries. (Exhibit A).

4. The defendants were negligent in that they: a) knew or should have known that the hazardous condition existed prior to the date and time of the accident and failed to use reasonable care in correcting the hazard or warning the plaintiff; b) did not keep the premises in a safe condition; c) did not exercise proper care; d) caused a dangerous and hazardous condition to exist; e) allowed a nuisance to exist; f) failed to provide proper safeguards and/or warnings on the subject property; g) failed to provide proper safe and clear avenues of ingress and egress for the persons allowed and invited to use the property; h) failed to properly maintain and/or perform safety inspections on the subject hairdryer; and i) were otherwise careless and negligent.

5. As a result of the negligence of the defendants, plaintiff, Kimberly Garrison, was caused to suffer electric shock and/or electrocution and sustained severe internal and external injuries, as well as severe mental and emotional pain and suffering, and will in the future be caused to sustain additional mental and emotional pain and suffering, were caused to seek medical care and treatment and will in the future seek medical care and

treatment, and were caused to sustain a loss of wages, and were caused to sustain other great losses.

WHEREFORE, plaintiff, Kimberly Garrison, demands judgment against the defendants, Bally's Park Place, Inc. d/b/a Bally's Atlantic City and/or Caesars Entertainment Corporation and/or Caesars Entertainment Operating Company, Inc. and/or Bally's Park Place, LLC and/or ABC Corporation 1-10 and/or DEF Corporation 1-10 and/or John Does 1-10 for damages, together with attorneys' fees, interest and costs of suit, and such further relief as the Court may deem equitable and just.

SECOND COUNT

(Strict Liability - John DOE 1-10 and ABC Corps. 1-10)

1. Plaintiff repeats each and every allegation contained in in the First Count as if fully set forth herein.

2. At all times mentioned, John Does 1-10, fictitious ("DOES") were individuals who supplied, maintained, manufactured, distributed, sold, assembled, installed and/or serviced the electric hair care device (a/k/a hair dryer) and/or component parts thereof.

3. At all times mentioned, ABC Corps. 1-10, fictitious ("ABC") were corporations and/or other business entities that maintained, supplied, manufactured, distributed, sold, assembled, installed and/or serviced the electric hair care device and/or component parts thereof.

4. DOEs and/or ABCs placed the electric hair care device in the stream of commerce and/or installed and/or maintained said electric hair care device, despite a

OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 4 of 16 Trans ID: LCV2021940227

design and/or manufacturing defect and/or lack of inspection and maintenance, which rendered it dangerous and unfit for its intended purpose.

5. There was a reasonable alternative design for the electric hair care device and/or protocol regarding maintenance, inspection and safety, which would have rendered it safe and fit for its intended purpose.

6. It was reasonably foreseeable that Plaintiff would be injured when using the electric hair care device for its intended purpose.

7. DOEs and ABCs owed a duty to foreseeable users, including the Plaintiff, to exercise due care in supplying, maintaining, designing, manufacturing, assembling, retrofitting, inspecting and distributing said electric hair care device to hotel rooms.

8. DOEs and/or ABCs sold, supplied and/or maintained the electric hair care devices sold/provided to the Defendants with a design and/or manufacturing defect which rendered it dangerous and unfit for its intended purpose.

9. DOEs and/or ABCs sold, provided, maintained, assembled, installed and/or inspected components of the electric hair care device in such a manner as to render it dangerous and unfit for its intended purpose.

10. Despite its duty to warn consumers of the dangerous nature and features of its product, DOEs and/or ABCs failed to warn the public and/or purchasers and/or the Plaintiff of the inherent dangers in using the electric hair care device and its components for its intended purpose.

11. DOEs and ABCs acts and/or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by them.

12. As a result of DOEs and ABCs acts and/or omissions, Plaintiff sustained severe permanent physical injury, emotional injury, pain and suffering, loss of enjoyment of life, medical and other expenses, and has incurred loss of income and loss of enjoyment of life.

WHEREFORE, Plaintiff demands judgment against the Defendants, DOEs and ABCs, for compensatory, punitive and consequential damages, together with interest, attorneys' fees and costs of suit, and such other relief as is deemed just.

THIRD COUNT

(Breach of Express and Implied Warranties – All Defendants)

1. Plaintiff repeats each and every allegation contained in the First and Second Counts as if fully set forth herein.

2. Within the terms and provisions of the contract between electric hair care device manufacturers and/or suppliers and the public, including plaintiff, was an expressed and/or implied warranty that the Defendants would make, deliver, inspect and maintain a hair dryer that was fit for its intended purpose, use, and was otherwise merchantable. Plaintiff was an intended beneficiary of such express and implied warranty.

3. Contrary to the aforesaid warranty and in breach thereof, the Defendants supplied and provided Plaintiff with the electric hair care device, including electrical components, that was defective and/or not regularly inspected and/or not regularly maintained and not suitable for its intended purposes.

4. As a result of Defendants' breach of the aforesaid expressed and/or implied warranties, the Plaintiff has suffered, and will in the future suffer, significant losses, including severe permanent physical injury, emotional injuries, pain and suffering, loss of enjoyment of life, medical and other expenses, loss of income, loss of enjoyment of life, and other damages.

WHEREFORE, Plaintiff demands judgment against all Defendants for compensatory and consequential damages, together with interest, attorneys' fees and costs of suit, and such other relief as is deemed just.

FOURTH COUNT
(*Negligence – All Defendants*)

1. Plaintiff repeats each and every allegation contained in the First, Second and Third Counts as if fully set forth herein.

2. Defendants had a duty to the Plaintiff to provide a safe and maintained electric hair care device for use in the hotel room and maintain said electric hair care device so that it was safe and fit for its intended purpose when offering it in their hotel room for its intended purpose.

OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 7 of 16 Trans ID: LCV2021940227

3. Defendants had a duty to warn the Plaintiff of any inherent dangers the electric hair care device posed when used for its intended purposes.

4. Despite the aforesaid obligations and in breach thereof, Defendants negligently supplied, designed, manufactured, assembled, retrofitted, and/or distributed the defective hair dryer for use by the general public, including plaintiff.

5. Despite the aforesaid obligations and in breach thereof, Defendants negligently failed to provide any warning to the Plaintiff regarding the inherent dangers in using the electric hair care device for its intended purposes.

6. It was reasonably foreseeable that the Plaintiff would be harmed when using the electric hair care device and its components for their intended purpose in use.

7. As a direct and proximate result of Defendants' negligent acts and/or omissions, Plaintiff sustained severe permanent physical injury, emotional injury, pain and suffering, loss of enjoyment of life, medical and other expenses, loss of income, loss of quality of life and other damages.

WHEREFORE, Plaintiff demands judgment against all named Defendants for compensatory, consequential and other damages, together with interest, attorneys' fees and costs of suit, and such other relief as is deemed just.

CERTIFICATION OF OTHER ACTIONS

Pursuant to R. 4:5-1, I hereby certify that the matter in controversy is not the subject of any other pending or contemplated Court action or arbitration with respect to the matter in controversy herein.

OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 8 of 16 Trans ID: LCV2021940227

DESIGNATION OF TRIAL COUNSEL

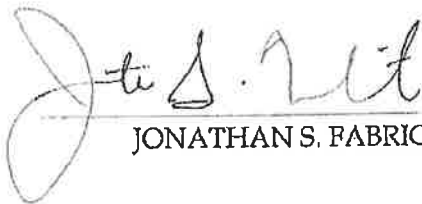
JONATHAN S. FABRICANT, ESQ. is hereby designated as trial counsel of behalf of the Plaintiff in the within matter.

JURY DEMAND

Plaintiffs hereby demand a trial by Jury as to all issues raised herein.

BATHGATE, WEGENER & WOLF
Attorneys for plaintiff

BY:



JONATHAN S. FABRICANT, ESQ.

Dated: April 7, 2021

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to R. 4:17-1(b)(ii), Plaintiff hereby demands fully responsive answers to the Uniform Interrogatories Form C and C(4) appearing in Appendix II to the Rules of Court from Defendants.

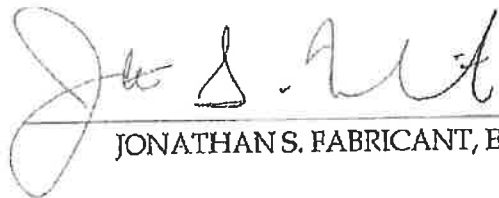
OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 9 of 16 Trans ID: LCV2021940227

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R. 4:10(b), demand is hereby made that Defendants disclose to Plaintiff's attorney whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment and provide Plaintiff's attorney with true copies of such insurance agreements or policies including, but not limited to, any and all declaration sheets. This demand shall be deemed to include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella insurance policies.

BATHGATE, WEGENER & WOLF
Attorneys for Plaintiff

BY:



JONATHAN S. FABRICANT, ESQ.

Dated: April 7, 2021

OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 10 of 16 Trans ID: LCV2021940227

EXHIBIT A

OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 11 of 16 Trans ID: LCV2021940227

BALLY'S
ATLANTIC CITY**GUEST INCIDENT REPORT***Security*

DEPARTMENT/OUTLET

TO BE COMPLETED BY HOTEL GUEST

(Please Print)

Name: *Kimberly Garrison* Date of Birth: *9/15/65* Social Security #: _____Address: *541 Mercury Street* City: *Virginia* State: *VA* Zip Code: *24551*Residence Telephone: *434-324-3060* Business Telephone: *434-942-0861*Are you a guest of this hotel? *YES* Room No. *361* Arrival Date: *8/23* Departure Date: *8/25*In your own words please describe how the accident occurred. *Attempted to use hair dryer and it started to sound like a blender. It started to smoke & shock me.*Have you taken any alcoholic beverages or drugs? Yes _____ No ☒ When _____ How much? _____Date of accident: *08/24/19* Time of accident: *9:40-10:15am* (AM/PM)**LOCATION OF ACCIDENT**(Please be specific) *Room 361*Describe part of the body injured? (if any) *All*What, if any, property damage did you sustain? *None***NAMES AND ADDRESSES OF ANY WITNESSES**Name: *HERNAN GARRISON* Address: *541 Mercury St. Greenville*Residence Telephone: *434-324-3060* Business Telephone: *434-942-0861*

"Any person who knowingly files a statement of claim containing false or misleading information is subject to criminal and civil penalties." (NSA 17-33A-6)

Signature of Guest: *[Signature]* Date and Time of Report: *08/24/19 @ 10:13*Signature of Employee Taking Report/Emp. #: *[Signature]* Date and Time of Report: *08/24/19*Print Employee Name / Emp. #: *MATIN***FOR COMPANY USE ONLY**

To be completed by Bally's employee:

FOREIGN OBJECT: Evidence MUST BE turned over to Security.

Chain of Custody: _____

HOTEL ISSUES:

Third party room inspection requested: YES or NO

Medical treatment: ACCEPTED or DECLINED

Service Recovery/Remedy: _____

White Copy - Risk Management

Yellow Copy - Security

Pink Copy - Claimant

OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 12 of 16 Trans ID: LCV2021940227

KIMBERLY GARRISON

08/26/2019
03:26:08
CI: FDHNAVARJ
CO: FDHHODGEV

Wing/Room PT 3631

361

541 MERCURY RD
434-221-4230 KENNETH
GRETN VA24557-3568No Party 2
Resv No 436957007928
Page 1 08/26/2019 03:26:00
Arrival 08/23/2019
Departure 08/26/2019
Bill code RST23
Group CPRS819

THANK YOU FOR STAYING WITH US!

DATE	REFERENCE	DESCRIPTION	\$ CHARGES	CREDITS	\$ BALANCE
08/23/2019	436990541246	SR ROOM CLEANLINESS ISSUE		50.00	-50.00
XFR FRM	436957007928	GARRISON KIMBER PT 3631 COMPLAINED ABT BEDS			
08/23/2019	436990541667	RESORT FEE	27.00		-23.00
		RESORT FEE			
08/23/2019	436999001642	AC TOURISM FEE	2.27		-20.73
		AC TOURISM FEE			
08/23/2019	436999001643	NJ ROOM FEE (STATE)	3.00		-17.73
		NJ STATE TAX			
08/23/2019	436999002950	ROOM CHARGE DT 371	165.00		
		TAX	22.48		
08/23/2019	436990528759	APPLIED DEPOSIT 6542zwd5xzvqtxe		187.48	-17.73
08/23/2019	436990528761	RESORT FEE \$27.00 DAILY			
08/24/2019	437000666961	RESORT FEE	27.00		9.27
		RESORT FEE			
08/24/2019	437009001683	AC TOURISM FEE	2.27		11.54

OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 13 of 16 Trans ID: LCV2021940227

12

08/26/2019
04:01:49
CI: FDHNAVARJ
CO: FDHHODGEV
KIMBERLY GARRISON Wing/Room BT 4833
541 MERCURY RD No Party 2
GREटना VA24557-3568 Resv No 436957007621
Page 1 08/26/2019 04:01:00
Arrival 08/23/2019
Departure 08/26/2019
Bill code RST23
Group CRESV19

THANK YOU FOR STAYING WITH US!

DATE	REFERENCE	DESCRIPTION	\$ CHARGES	CREDITS	\$ BALANCE
08/23/2019	436990541235	SR ROOM CLEANLINESS ISSUE		50.00	-50.00
XFR FRM	436957007621	GARRISON KIMBER BT 4833 COMPLAINED ABT BEDS			
08/23/2019	436990541666	RESORT FEE	27.00		-23.00
		RESORT FEE			
08/23/2019	436999001640	AC TOURISM FEE	2.27		-20.73
		AC TOURISM FEE			
08/23/2019	436999001641	NJ ROOM FEE (STATE)	3.00		-17.73
		NJ STATE TAX			
08/23/2019	436999002946	ROOM CHARGE DT 361	63.00		
		TAX	8.58		
08/23/2019	436990528683	APPLIED DEPOSIT		71.59	-17.74
		65420r1s54z1th8v			
08/23/2019	436990528685	RESORT FEE \$27.00 DAILY			
08/24/2019	437000666960	RESORT FEE	27.00		9.26
		RESORT FEE			
08/24/2019	437009001679	AC TOURISM FEE	2.27		11.53

OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 14 of 16 Trans ID: LCV2021940227

AC TOURISM FEE			
08/24/2019 437009001680	NJ ROOM FEE (STATE)	3.00	14.53
NJ STATE TAX			
08/24/2019 437009003092	ROOM CHARGE DT 744	158.00	
	TAX	21.53	
08/24/2019 437000613431	(SR MAINTENANCE ISSUE HAIR DRYER ISSUE)		544.49 -350.43
08/24/2019 437000633160	BALLY'S POOL AND FITNESS	20.00	-330.43
08/25/2019 437019002065	AC TOURISM FEE	2.27	-328.16
AC TOURISM FEE			
08/25/2019 437019002066	NJ ROOM FEE (STATE)	3.00	-325.16
NJ STATE TAX			
08/25/2019 437019003013	ROOM CHARGE BT 4833	173.00	
	TAX	23.57	
08/25/2019 437010749223	JOHNNY ROCKETS (LSD)	31.18	-97.41
08/25/2019 437010749346	JOHNNY ROCKETS (LSD)	20.12	-77.29
Balance Due		-77.29	

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OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 15 of 16 Trans ID: LCV2021940227

	AC TOURISM FEE		
08/24/2019 437009001684	NJ ROOM FEE (STATE)	3.00	14.54
	NJ STATE TAX		
08/24/2019 437009003089	ROOM CHARGE DT 740	260.00	
	TAX	35.43	
08/24/2019 437000613452	SR MAINTENANCE ISSUE		521.81 -211.84
	HAIR DRYER ISSUE		
08/24/2019 437000598850	DUNKIN DONUTS	10.11	-201.73
XFR FRM 436957007928	GARRISON KIMBER PT 3631		
08/24/2019 437000616668	SR ROOM CLEANLINESS ISSUE	50.00	-251.73
XFR FRM 436957007928	GARRISON KIMBER PT 3631		
	SUNKEN MATTRESSES		
08/24/2019 437000618888	PRIMO PIZZA (LSD)	12.45	-239.28
08/25/2019 437019002067	AC TOURISM FEE	2.27	-237.01
	AC TOURISM FEE		
08/25/2019 437019002068	NJ ROOM FEE (STATE)	3.00	-234.01
	NJ STATE TAX		
08/25/2019 437019003516	ROOM CHARGE PT 3631	70.00	
	TAX	9.54	
08/25/2019 437010722565	JOHNNY ROCKETS (LSD)	15.32	-139.16
	Balance Due		-139.15

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OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 16 of 16 Trans ID: LCV2021940227



August 30, 2019

Kimberly Garrison
541 Mercury Road
Gretna, VA 24557

RE: Claim Number: 19GLB00705
Property: Bally's Atlantic City
Accident Date: 08/24/2019

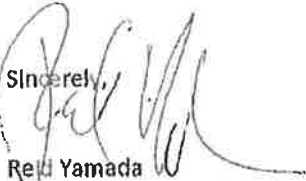
Dear Mrs. Garrison,

We have been notified of the incident referenced above. We are currently investigating this matter on behalf of Bally's Atlantic City.

Please be advised that the statute of limitations for bodily injury claims in the state of New Jersey is two (2) years from the date of your loss. Failure to resolve your claim during this time period could jeopardize your future legal rights in this matter.

If you have any questions, please call me at the number listed below. My office hours are 8:00 AM to 4:30 PM, Pacific Time, Monday through Friday.

Sincerely,


Ryo Yamada
General Liability Bodily Injury Specialist
(702) 407-6145
ryamada@caesars.com

KG6 talked to him 9/17/19 - he is waiting on response from Bally's to see if driver was under warranty

OCN-L-000957-21 04/12/2021 12:39:00 PM Pg 1 of 1 Trans ID: LCV2021940227

Civil Case Information Statement

Case Details: OCEAN | Civil Part Docket# L-000957-21

Case Caption: GARRISON KIMBERLY VS BALLY'S PARK PLACE, INC.

Case Initiation Date: 04/12/2021

Attorney Name: JONATHAN SCOTT FABRICANT

Firm Name: BATHGATE WEGENER & WOLF, PC

Address: 1 AIRPORT RD

LAKEWOOD NJ 08701

Phone: 7323630866

Name of Party: PLAINTIFF : GARRISON, KIMBERLY, F

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: KIMBERLY F GARRISON? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, Is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

04/12/2021
Dated

/s/ JONATHAN SCOTT FABRICANT
Signed